

11 WEST 42ND STREET, SUITE 900  
NEW YORK, NY 10036  
(212) 354-0025  
FAX: (212) 869-0067

# TISDALE

LAW OFFICES, LLC

10 SPRUCE STREET  
SOUTHPORT, CT 06890  
(203) 254-8474  
FAX: (203) 254-1641

11. TISDALE-LAW.COM

New York, NY, Southport, CT

WWW.TISDALE-LAW.COM

**MEMO ENDORSED**

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DATE FILED: 4/24/08

April 24, 2008

**By Hand**

Honorable Richard M. Berman  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 650  
New York, NY 10007-1581

**Re: JH Shipping v. Belarussian Shipping Co.**  
Docket Number: 07 CV 9343 (RMB)  
Our File: 08-1772

Dear Honorable Sir:

SO ORDERED:

Date: 4/24/08

*Richard M. Berman*  
Richard M. Berman, U.S.D.J.

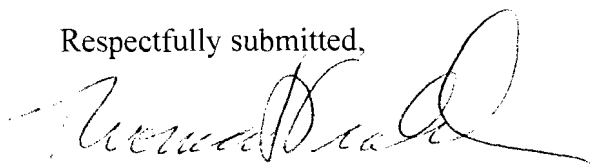
We are attorneys for the Defendant, Belarussian Shipping Co. in the above captioned matter. We write in response to Plaintiff's counsel's letter dated April 21, 2008.

On or about April 9, 2008, we received written instructions from the London Solicitor negotiating the settlement that the settlement had been finalized and JH Shipping had been paid. This office did not participate in the settlement negotiations or payment of same. We were retained to liase with Plaintiff's counsel regarding the release of the attached funds and dismissal of the action in light of the settlement. After receiving the written instructions confirming finalization and payment of the settlement, we wrote to Plaintiff's counsel Mr. Lennon on April 9, 2008 stating that we had been advised that the case settled and should be dismissed. We further asked Mr. Lennon if he had heard the same. On April 10, 2008, we received an email from Mr. Lennon stating that he had not yet been advised of a settlement, but had just written his clients requesting information on the status of the matter.

On April 21, 2008, Plaintiff's counsel wrote us to advise that our client had not paid the settlement. That same day, we inquired with London counsel whether same was the case. London counsel has subsequently confirmed that the settlement remains unpaid and is pressing the client for a response. On April 21, 2008, Plaintiff's counsel wrote to Your Honor requesting that this case be restored to the Court's active docket.

Thus, in response to Your Honor's Order of April 21, 2008, we are disappointed that our ultimate client has not satisfied the settlement but we do not believe that there is any basis for the imposition of Rule 11 sanctions as we acted in reasonable reliance upon written instructions from our client.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas L. Tisdale', with a long, sweeping horizontal stroke at the end.

Thomas L. Tisdale

*cc:*     **Via Facsimile (212) 490-6070**  
Kevin J. Lennon  
Lennon, Murphy & Lennon, LLC  
420 Lexington Ave., Suite 300  
New York, NY 10170



Lennon,  
Murphy &  
Lennon, LLC

ATTORNEYS AT LAW

The GrayBar Building  
420 Lexington Ave., Suite 300  
New York, NY 10170  
phone (212) 490-6050  
fax (212) 490-6070  
www.lenmur.com

Tide Mill Landing  
2425 Post Rd, Suite 302  
Southport, CT 06890  
phone (203) 256-8600  
fax (203) 256-8615  
mail@lenmur.com

**MEMO ENDORSED**

**By Hand**

Hon. Richard M. Berman  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 650  
New York, New York 10007-1581

Re: *JH Shipping v. Belarussian Shipping Co. et al*  
Docket no.: 07 Civ. 9343 (RMB)  
Our Ref: 07-1249

April 21, 2008
Def counsel to respond 2008
by 4/24/08 + to consider
Rule 11 issues in your
response. Parties are expected
to live up to their settlements.
SO ORDERED
Date: 4/21/08 Richard M. Berman
Richard M. Berman, U.S.D.J.

Dear Judge Berman:

We are attorneys for the Plaintiff in this admiralty action brought pursuant to Supplemental Admiralty Rule B of the Federal Rules of Civil Procedure. On April 10, 2008 we attended a status conference before your Honor and advised that the Court that the parties had reached a settlement but that Defendant had not yet made payment in satisfaction of the settlement. Your Honor issued an Order discontinuing the case subject to the case being restored to the Court's calendar for good cause shown.

We have now been advised that the deadline for the Defendant to satisfy the settlement has passed but that payment has not been received and is not expected. We therefore request that your Honor restore this matter to his calendar so that Plaintiff may take further action to both obtain security for its claims and also, if necessary, proceed with an application for enforcement and recognition of its interim London arbitration award. Plaintiff has to date succeeded in attaching slightly more than \$37,000 of Defendant's property in the district and has obtained an interim London arbitration award in its favor in the sum of \$354,275.83, exclusive of interest, costs and fees.

Should your Honor have any questions or comments we are available to discuss the same at any convenient time to the Court.

Respectfully submitted,

*Kevin J. Lennon*  
Kevin J. Lennon

KJL/bhs

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